REMARKS

The present amendment is submitted as response to an office action dated December 13, 2007. The application consists of claims 1-4 and 6-8, claims 9-15 are withdrawn. Claim 1 is amended herewith.

Claims 1-4, 6 and 7 stand rejected under 35 U.S.C. 103(a) as being obvious over Hassan et al ("A Radiotelemetry Pill for the Measurement of Ionising Radiation Using a Mercuric Iodide Detector", Phys. Med. Biol., 23(2): 302-308, 1978) in view of Barrett et al (US 4,595,014) and Schentag (US 5,279,607), and further in view of Glukhovsky (US 6,584,348).

Claim 1 is amended to make explicit what was already implicit in the claim, as follows: "circuitry comprising at least one sensor adapted to determine the location and orientation of the ingestible device in the gastrointestinal tract and the circuitry is further adapted to reconstruct the diagnostic image based on said location and orientation." The prior art on record fails to teach a system comprising an ingestible pill and circuitry as recited in amended claim 1.

The Examiner indicated on page 4 of the office action that Hassan, Barrett and Glukhovsky fail to teach a system comprising a circuitry adapted to determine the location of the ingestible device and reconstruct the diagnostic image based on the location. However, Schentag teach means necessary to perform the wireless tracking and signal transmission of telemetry capsules.

Applicant respectfully point out that Schentag does not teach or suggest a circuitry comprising at least one sensor to determine the location and orientation of the ingestible device as recited in amended claim 1. Schentag teaches an ingestible capsule for delivery of a medicament to the alimentary canal. Schentag tracks the location of the capsule in order to know when to release the desired dosage of

medicament. Schentag, however, does not track the orientation of the ingestible device and would not do so since the orientation has no effect on release of medicament.

It is further noted that Hassan, Barrett and Glukhovsky would not use a circuitry for determining the location and orientation of the ingestible device.

Hassan is concerned with locating the bleedings site, a problem that is still to be determined, see page 307. Since Hassan uses scalar values, he would not need or desire to track the orientation of the ingestible device.

Barrett describes measuring the extent of the insertion of the probe into the body on col. 3, lines 30-50 and represents the control and monitor of orientation of the probe by block 65 in Fig. 1. Accordingly, Barrett would not use a circuitry comprising at least one sensor adapted to determine the location and orientation of the probe.

Glukhovsky uses a telemetric system for determining the location of the capsule (Col. 5, lines 17-19), but is also not concerned with the orientation thereof.

Thus, the prior art on record fails to teach or suggest a circuitry as recited in amended claim 1 and therefore claim 1 and its dependent claims are patentable over the prior art on record.

Claim 8 stands rejected under 35 U.S.C. 103(a) as obvious over Hassan in view of Barrett et al, further in view of Glukhovsky, further in view of Zhang et al ("An Innovative High Efficiency and High Resolution Probe for Prostate Imaging", The Journal of Nuclear Medicine, 68: 18, 2000).

The Examiner's rejection of claim 8 is a copy of the rejection provided in the previous office action dated July 12, 2007. Claim 8 was not substantially amended in response to said rejection and applicants' arguments in response to the rejection as

submitted on October 31, 2007 were not answered by the Examiner. Accordingly, a final office action would not be appropriate in this case.

Nevertheless, applicants submit that since claim 8 depends on claim 1, the rejection is moot over newly amended claim 1.

Hassan, Barrett and Glukhovsky are referred to above. Zhang does also not teach a system for diagnosing a gastrointestinal tract comprising an ingestible device and circuitry as recited in claim 1.

In fact, Zhang does not teach an ingestible device. The imaging probe of Zhang is used in conjunction with CZT cameras located below and above the body (No. 68, Col. 1).

In view of the above remarks, applicant submits that the claims are patentable over the prior art. Allowance of the application is respectfully awaited.

Respectfully submitted,

Martin D. Moynihan
Registration No. 40,338

Date: March 13, 2008